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4
   Attorney for Petitioner,
5 ALFRED LEE GRAYSON

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7   IN THE UNITED STATES DISTRICT COURT FOR THE

8   EASTERN DISTRICT OF CALIFORNIA

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10 ALFRED LEE GRAYSON,   )   No. Civ. S-03-1694 MCE KJM P
)
11   Petitioner,   )   STIPULATION AND
)   ORDER FOR MODIFICATION OF
      v.   )   BRIEFING SCHEDULE
12   )
   TOM L. CAREY, Warden,   )
13   )
                Respondent.   )
14 _____)

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16   This matter is in the District Court after remand from the Ninth Circuit. Pursuant to the

17 remand order, the court is to consider the issue of procedural default, and if there is no

18 procedural default, is to evaluate the confrontation clause claim pursuant to *Ohio* v. *Roberts*,

19 448 U.S. 56 (1980).

20   The parties have previously stipulated to a briefing schedule. However, counsel for

21 petitioner was in trial for almost the entire first six months of 2009, and is requesting additional

22 time to submit briefing. In light thereof, the parties have stipulated to the modification of the

23 briefing schedule. To afford counsel additional time needed to research and brief this matter,

24 the parties hereby stipulate and agree that the court adopt the following briefing schedule

25 concerning the procedural default issue and the application of *Ohio* v. *Roberts*: petitioner's

26 points and authorities will be due **August 31, 2009**, respondent's points and authorities will be

27 due **September 30, 2009**, and petitioner's reply will be due on **October 30, 2009.**

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DATED: August 10, 2009   s/ Tim Warriner, Attorney for Petitioner,
                                    ALFRED LEE GRAYSON

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DATED: August 10, 2009   s/ Janis McLean, Deputy Attorney General,

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ORDER

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    GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, it is hereby

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ordered that petitioner's points and authorities will be due August 31, 2009, respondent's points

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and authorities will be due September 30, 2009, and petitioner's reply will be due on October

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30, 2009.

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DATED: August 13, 2009.

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U.S. MAGISTRATE JUDGE

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